

## Article 3. General Hazardous Materials Regulations

### § 1160. Application.

This article shall apply to the transportation of hazardous materials in vehicles listed in Vehicle Code Section 34500 and in any other vehicle for which the display of placards is required pursuant to Vehicle Code Section 27903 as prescribed in Vehicle Code Section 31309.

NOTE: Authority cited: Sections 2402.7 and 34501, Vehicle Code. Reference: Sections 2402.7, 31309, 34501 and 34510, Vehicle Code.

#### HISTORY

1. Repealer of Article 1.5 (Sections 1160–1167, not consecutive) and new Article 1.5 (Sections 1160–1167, not consecutive) filed 2–18–77 as an emergency; effective upon filing. Certificate of Compliance included (Register 77, No. 8). For prior history, see Registers 73, No. 43 and 76, No. 9.
2. Renumbering of Article 1.5 (Sections 1160–1167, not consecutive) to Article 3 (Sections 1160–1167, not consecutive) filed 7–8–81; effective thirtieth day thereafter (Register 81, No. 28). For history of former Article 3, see Register 78, No. 33.
3. Amendment filed 6–22–83; effective thirtieth day thereafter (Register 83, No. 26).
4. Amendment of Article 3 heading, designation and amendment of subsection (a), new subsections (b)–(d) and amendment of NOTE filed 3–6–95; operative 4–5–95 (Register 95, No. 10).
5. Repealer of subsection designations and former subsections (b), (c) and (d) filed 8–14–96; operative 9–13–96 (Register 96, No. 33).

### § 1160.1. Exceptions and Special Applications.

(a) Application to Shippers. Shippers are subject to all provisions of this article except Sections 1160.4(g), 1162.1, 1166 and 1167, and are subject to Section 1164 only when loading or directing the loading of any vehicle.

(b) Application to Non-commercial Transportation. Except for subsection (d), the exceptions contained in this section shall only apply to the transportation of hazardous materials by carriers when not directly subject to federal jurisdiction pursuant to 49 CFR Part 171 (i.e., transporting hazardous materials in intrastate, interstate or foreign commerce [transported for a fee or used for commercial purposes]).

(c) Alternative Exceptions for Non-commercial Carriers. Private carriers transporting hazardous materials for non-commercial purposes (i.e., transporting hazardous materials for personal use or by a federal, state or local government agency) may utilize the exceptions contained in subsections (e) through (m) of this section or the exceptions contained in either 49 CFR 173.6 or 49 CFR 173.8(c), but not both the exceptions in subdivisions (e) through (m) and the referenced 49 CFR exceptions at one time on the same vehicle or combination of vehicles.

(d) Liquefied Petroleum Gas. Except as provided in Sections 1160.4(g), 1160.5, 1161, 1161.3, 1161.6, 1161.7, 1162, 1163(d), 1166, and 1167, this article shall not apply to the transportation of liquefied petroleum gas in cargo tanks subject to regulations of the Division of Occupational Safety and Health, Department of Industrial Relations contained in Title 8, California Code of Regulations, Chapter 4, Subchapter 1 (Unfired Pressure Vessel Safety Orders), but it shall apply to liquefied petroleum gas transported in cylinders and portable tanks.

(e) Incidentally Transported Materials. This article shall not apply to the transportation of the following:

- (1) Batteries in vehicle or auxiliary equipment ignition or lighting systems.
- (2) Flammable compressed gases or flammable and/or combustible liquids used exclusively in vehicle or auxiliary equipment fuel, heating, refrigeration, or cooking systems.
- (3) Batteries, compressed air in cylinders or tanks not exceeding 200 psi, inflated tires or less than 10 gallons of flammable liquid fuels on tow trucks or similar roadside service or repair vehicles or otherwise transported in private (not for-hire) carriage. Containers used to transport flammable liquids under this subsection shall not exceed 5 gallons capac-

ity each, and shall be constructed and maintained in conformance with a nationally recognized fuel storage and dispensing standard for the fuel being transported (e.g., U.S. Department of Transportation (DOT), United Nations (UN), National Fire Protection Association (NFPA), American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), Underwriter Laboratories (UL), Factory Mutual (FM), or U.S. Department of Defense (military) specifications (U.S. Mil. Spec.).

(4) Highway fusees, and liquid-burning emergency flares and/or red electric lanterns that conform to 49 CFR 393.95(f)(1), being transported expressly for highway warning purposes or as authorized for use pursuant to Vehicle Code Section 25301, unless otherwise prohibited by this Division or the Vehicle Code. This exception does not apply to broken fusees or fusees with missing protective caps.

(5) Fire extinguishers being transported expressly for in-transit emergency fire suppression purposes.

(6) Flammable or combustible distillate fuels transported in a single compartmentalized or noncompartmentalized metal cargo tank of 450 liters (119 gallons) or less total volumetric capacity, or both flammable and combustible distillate fuels transported in a single compartmentalized metal cargo tank of 450 liters (119 gallons) or less total volumetric capacity, by a private carrier and used to service other vehicles or equipment. The tank shall be in compliance with 49 CFR 173.24(b), and the tank, its components, and attached equipment must be secured to the vehicle and protected from damage or leakage of the lading should the vehicle overturn.

(f) Consumer Commodity Exception. The outside packaging and marking exception contained in 49 CFR 173.156 for hazardous materials authorized to be renamed "Consumer commodity" and reclassified ORM-D is extended to transportation by a private carrier from either a distribution center or retail outlet, or subsequent transportation for incidental use.

(g) Shipping Paper Exception. Section 1161, pertaining to shipping papers, shall not apply to a private carrier transporting any one of the following:

(1) Not more than 227 kilograms (500 pounds) aggregate gross weight (including the packaging) of hazardous materials other than:

(A) Any materials listed in 49 CFR 172.504(a), Table I, or

(B) Any materials for which an INFECTIOUS SUBSTANCE, KEEP AWAY FROM FOOD, ORGANIC PEROXIDE, SPONTANEOUSLY COMBUSTIBLE, POISON or RADIOACTIVE label is required, or

(C) Any materials which require a Uniform Hazardous Waste Manifest pursuant to Section 25160 of the Health and Safety Code.

(2) Anhydrous ammonia in a single cargo tank of not more than 4,524 liters (1,200 gallons) capacity transported not more than 30 miles from the filling point or in a trailer-mounted cargo tank in compliance with Section 1163(f)(1) of this article.

(3) Not more than 1 cylinder each of argon, oxygen, carbon dioxide, acetylene, helium, or nitrogen if the gross weight is less than 454 kilograms (1,001 pounds), provided containers and labeling comply with Sections 1161.2 and 1163 of this article.

(h) Storage Tanks. Storage tanks used only for off-highway storage and dispensing of flammable and/or combustible distillate fuels and which contain only residue are excepted from specified provisions of this article as indicated below, when transported in accordance with the following:

(1) Except for subsection (d), Section 1163 shall not apply to portable or stationary above ground storage tanks when in conformance with 49 CFR 173.24(b).

(2) Except for Section 1163(d), this article shall not apply to underground storage tanks when prepared for shipment in accordance with American Petroleum Institute Recommended Practice 1604, Second Edition, December 1987. (This publication may be obtained from the American Petroleum Institute, 1220 L Street, Northwest, Washington D.C. 20005.)

[The next page is 129.]

Register 99, No. 41; 10-8-99

(3) For purposes of this subsection, "residue" means the material remaining after the tank has been unloaded to the maximum extent practicable via the normal discharge opening. In no event shall the tank contain more than 454 liters (120 gallons) of any liquid.

(4) Storage tanks shall not be transported on the same vehicle with any other hazardous materials.

(i) Traffic Paint Applicator. Traffic paint applicator systems containing flammable paint are excepted from the provisions of Section 1163, except subsection (d), when in conformance with 49 CFR 173.24(b).

(j) Mobile Meter Calibration Units. Mobile meter calibration units containing flammable distillate fuel residue or liquefied petroleum gas residue are excepted from the provisions of Section 1163, except subsection (d), when in conformance with 49 CFR 173.24(b) and emptied to the maximum extent practicable via the normal discharge opening.

(k) Self Contained Breathing Apparatus. Compressed air breathing apparatus transported solely for in-transit emergencies or for the safety of persons conducting loading or unloading operations are not subject to this article, except Sections 1161.2, 1161.3 and 1163, when the compressed gas cylinders are mounted or otherwise secured to the vehicle during transit to prevent sliding, falling, tipping, rolling, or damage to the valving should the vehicle overturn.

(l) Breathing Air Recharge Units. Air cylinders or tanks operating under a Division of Occupational Safety and Health, Department of Industrial Relations operating permit and used to fill/recharge breathing air cylinders are not subject to Section 1163, except subsection (d), when in conformance with 49 CFR 173.24(b).

(m) Emergency Response Information. Section 1161.6 shall only apply to hazardous materials shipments for which the display of placards is required and/or for which an INFECTIOUS SUBSTANCE, KEEP AWAY FROM FOOD, ORGANIC PEROXIDE, SPONTANEOUSLY COMBUSTIBLE, POISON or RADIOACTIVE label is required pursuant to this article; and to shipments that would have otherwise been required to be placarded and/or labeled, notwithstanding compliance with an applicable U.S. Department of Transportation placarding and/or labeling exemption issued pursuant to 49 CFR Part 107, Subpart B.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. Amendment filed 12-21-77 as an emergency; designated effective 1-1-78. Certificate of Compliance included (Register 77, No. 52).
2. New subsections (h) and (i) filed 1-20-78 as an emergency; effective upon filing (Register 78, No. 3).
3. Certificate of Compliance filed 3-21-78 (Register 78, No. 12).
4. Amendment of subsections (b), (c) and (d) filed 11-27-79; designated effective 1-1-80 (Register 79, No. 48).
5. Amendment filed 7-8-81; effective thirtieth day thereafter (Register 81, No. 28).
6. Amendment of subsection (e) filed 11-5-81; effective thirtieth day thereafter (Register 81, No. 45).
7. Amendment of subsections (b), (d)(2) and (3) and (f)(1) filed 2-22-82; effective thirtieth day thereafter (Register 82, No. 9).
8. Amendment of subsections (a)-(c) filed 7-27-82; effective thirtieth day thereafter (Register 82, No. 31).
9. Amendment filed 6-22-83; effective thirtieth day thereafter (Register 83, No. 26).
10. Amendment filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36).
11. Editorial correction of subsection (d) (Register 84, No. 46).
12. Amendment filed 7-20-87; operative 8-19-87 (Register 87, No. 30).
13. Amendment of subsection (c)(2) and new subsections (g)-(i) filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
14. New subsection (j) filed 9-27-90; operative 10-27-90 (Register 90, No. 45).
15. Editorial correction of printing errors in subsections (e)(3) and (i) (Register 92, No. 12).
16. Amendment filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
17. New subsection (k) filed 7-31-95; operative 8-30-95 (Register 95, No. 31).
18. Amendment of subsections (b) and (c)(3), repealer of subsection (e)(1)(C) and subsection relettering filed 8-14-96; operative 9-13-96 (Register 96, No. 33).
19. New subsections (b) and (c), subsection relettering, amendment of newly designated subsections (d)(3), and (i)-(m) and repealer of newly designated sub-

section (l) filed 10-26-98 as an emergency; operative 11-25-98 (Register 98, No. 44).

20. Amendment of subsections (b), (e)(4)-(5), (f), (g)(1) and (m) filed 10-5-99; operative 11-4-99 (Register 99, No. 41).

#### § 1160.2. U.S. Department of Transportation Regulations.

(a) Incorporation by Reference. This article incorporates by reference portions of 49 CFR Part 107, Parts 171 through 180, and Part 393 to the extent specified in this article. Unless otherwise specified, all references to 49 CFR in this article are those regulations published on October 1, 1999.

(b) Federal Preeminence. Provisions of the Hazardous Materials Transportation Act recodified into Title 49 U.S. Code (49 U.S.C.) Section 5125, preempt any requirements of any state or political subdivision thereof inconsistent with the act or federal Hazardous Material Regulations relating to hazardous materials transported in commerce. The U.S. Department of Transportation (DOT), Research and Special Programs Administration (RSPA) may except any material from being classed as hazardous, or change any classification or transportation requirement in accordance with authority granted that agency, and such action shall govern the application of this article. In lieu of compliance with the provisions of this article, hazardous materials shipment preparation and transportation in compliance with a later promulgated RSPA requirement, exemption or exception than that adopted by reference in this article is permitted. This includes compliance with a later promulgated requirement prior to its effective date during any period of time where earlier compliance is authorized in the applicable final rulemaking.

(c) Limited Applications. 49 CFR Parts 174 and 179 shall apply only as referenced in 49 CFR Parts 173, 177, and 178.

(d) Motor Carrier Safety Requirements. Provisions of 49 CFR Part 393 applies as incorporated in cargo tank specifications referenced in 49 CFR Part 178, but 49 CFR Parts 390 through 397 shall not otherwise apply to transportation subject to this article.

(e) Referenced Regulations. Copies of 49 CFR, can be obtained from:

SUPERINTENDENT OF DOCUMENTS  
U.S. GOVERNMENT PRINTING OFFICE  
PO BOX 371954  
PITTSBURGH, PA 15250-7954  
(202) 512-1800

Internet purchases: [http://www.access.gpo.gov/su\\_docs/sale.html](http://www.access.gpo.gov/su_docs/sale.html)

Copies of 49 CFR Part 107 and Parts 171 through 180 may also be obtained from:

BUREAU OF EXPLOSIVES PUBLICATIONS  
PO BOX 866  
ANNAPOLIS, MD 21404-0688  
(412) 741-1096

Copies of 49 CFR Part 107, Parts 171 through 180, and Parts 390 through 397 may also be obtained from:

AMERICAN TRUCKING ASSOCIATIONS, INC.  
SAFETY DEPARTMENT  
2200 MILL ROAD  
ALEXANDRIA, VA 22314-4677  
(800) 282-5463 OR (703) 838-1847

Internet Access. Title 49 CFR may also be accessed through the internet at the National Archives and Records Administration's web site at "<http://www.access.gpo.gov/nara/cfr/>" or through the U.S. Department of Transportation, Office of Hazardous Materials Safety's web site at "<http://hazmat.dot.gov/>".

NOTE: Authority cited: Sections 2402.7 and 34501, Vehicle Code. Reference: Sections 2402.7 and 34501, Vehicle Code.

#### HISTORY

1. Amendment filed 12-21-77 as an emergency; designated effective 1-1-78. Certificate of Compliance included (Register 77, No. 52).
2. Amendment filed 7-8-81; effective thirtieth day thereafter (Register 81, No. 28).
3. Amendment filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36).
4. Amendment filed 7-20-87; operative 8-19-87 (Register 87, No. 30).
5. Amendment of subsection (a) filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
6. Amendment of subsection (a) filed 9-27-90; operative 10-27-90 (Register 90, No. 45).

7. Amendment of subsections (a)–(b) and (d)–(e) filed 3–6–95; operative 4–5–95 (Register 95, No. 10).
8. Amendment of subsections (a) and (b) filed 8–14–96; operative 9–13–96 (Register 96, No. 33).
9. Amendment of subsection (a) filed 8–20–97; operative 9–19–97 (Register 97, No. 34).
10. Amendment of subsections (a), (b) and (e) filed 10–26–98 as an emergency; operative 11–25–98 (Register 98, No. 44).
11. Editorial correction of last paragraph (Register 98, No. 49).
12. Amendment filed 10–5–99; operative 11–4–99 (Register 99, No. 41).
13. Amendment of subsection (a) 11–8–2000; operative 12–8–2000 (Register 2000, No. 45).

### § 1160.3. Definitions.

(a) The meanings of terms contained in this article and not defined in this article are the same as those contained in 49 CFR 171.8.

(b) “Carrier” means any person as defined in Section 1235.1, who transports hazardous materials subject to this article.

(c) “Department” means Department of the California Highway Patrol.

(d) “Hazardous material” means a substance or material, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. The term includes hazardous substances, hazardous wastes, marine pollutants, and elevated temperature materials as defined in 49 CFR 171.8, materials designated as hazardous under the provisions of 49 CFR Sections 172.101 and 172.102, and materials that meet the defining criteria for hazard classes and divisions in 49 CFR Part 173.

(e) “License” as used in this article means a license issued by the Department to transport hazardous materials in California.

(f) “New License” means any license issued to a carrier pursuant to an application and required fees received more than 30 days after the date of expiration of any current or previous license.

(g) “Original License” means a license printed and issued by the Department, and forwarded to the carrier.

(h) “Private carrier” means any carrier who transports cargo for use in his/her occupation or for other purpose without reward or compensation.

(i) “Renewal License” means a license issued pursuant to an application and required fees received not more than thirty days after the expiration of an existing license.

(j) “Shipper” means any person who prepares or offers hazardous materials for transportation. A shipper who also transports its own material is both a shipper and a carrier.

(k) “Initial License” means any new license and any license issued to a carrier not previously issued a license.

(l) “Temporary License” means a probationary license valid for not more than 60 days from the date of application. A temporary license is immediately null and void when an applicant for a new or initial license is assigned an unsatisfactory rating pursuant to Section 1160.4(g).

NOTE: Authority cited: Sections 2402.7 and 34501, Vehicle Code. Reference: Sections 32000.5 and 34501, Vehicle Code.

#### HISTORY

1. Amendment filed 12–21–77 as an emergency; designated effective 1–1–78. Certificate of Compliance included (Register 77, No. 52).
2. Amendment of subsection (j) filed 7–8–81; effective thirtieth day thereafter (Register 81, No. 28).
3. Amendment filed 6–22–83; effective thirtieth day thereafter (Register 83, No. 26).
4. Amendment of subsections (f) and (k) filed 7–20–87; operative 8–19–87 (Register 87, No. 30).
5. Amendment filed 3–6–95; operative 4–5–95 (Register 95, No. 10).
6. Amendment of subsection (e) and NOTE filed 10–5–99; operative 11–4–99 (Register 99, No. 41).
7. Repealer of subsection (d), subsection relettering and new subsection (e) filed 11–8–2000; operative 12–8–2000 (Register 2000, No. 45).
8. Amendment of subsection (b), new subsections (e)–(g), (i) and (k)–(l), subsection relettering, amendment of newly designated subsections (h) and (j) and amendment of NOTE filed 3–10–2009; operative 4–9–2009 (Register 2009, No. 11).

### § 1160.4. General Provisions.

(a) Applicability.

(1) Shippers shall not offer and carriers shall not transport any shipment of a hazardous material not prepared for transportation in accordance with this Article.

(2) A carrier and a shipper/carrier with one or more terminal locations in California shall be in compliance with Section 34501.12 of the Vehicle Code.

(3) Shippers shall verify the carrier holds a valid Hazardous Materials Transportation License prior to offering hazardous materials for transportation in quantities requiring the license.

(b) References to Statutes and Regulations. Any reference to provisions of these regulations or to statutes shall apply to all amendments and additions made to such regulatory or statutory provisions.

(c) Alternate Method of Compliance. Upon a finding that an alternate method of compliance provides protection to the public equal to or exceeding that afforded by compliance with provisions of this article, the department may authorize use of such alternate method subject to the following:

(1) Any alternate method of compliance shall be permitted only after application has been made to and written authorization obtained from the department.

(2) Written authorization shall be carried in each transporting vehicle or combination.

(3) No authorization for an alternate method of compliance shall be accorded any highway carrier subject to federal jurisdiction, nor shall such authorization apply to the preparation of hazardous materials for interstate transportation.

(4) No authorization for an alternate method of compliance shall be granted when a special permit or exemption has been issued by the U.S. Department of Transportation, Associate Administrator for Hazardous Materials Safety authorizing the requested alternate method.

(d) Special Permits and Exemptions. Compliance with requirements of special permits and exemptions issued by the U.S. Department of Transportation, Associate Administrator for Hazardous Materials Safety in accordance with 49 CFR Part 107, shall be deemed in compliance with equivalent provisions of this article.

(e) Inspection by Department. Carriers and shippers shall afford duly authorized employees of the department reasonable opportunity to enter terminals and other locations to determine compliance with the provisions of this article.

(f) Unsafe Transportation Prohibited. Authorized employees of the department shall declare and mark any vehicle out-of-service when the condition, securement, preparation of lading, filling, closures, or protective devices on cylinders and tanks would be hazardous to life and property during transportation.

(1) No carrier shall require or permit any person to operate nor shall any person operate any vehicle marked out-of-service until all necessary corrections have been completed.

(2) No person shall remove any out-of-service notice from any vehicle prior to the completion of all corrections required by the notice.

(g) Hazardous Materials Transportation License.

(1) Fees. The fee for a new or initial license is one hundred dollars (\$100) and the fee for a renewal license is seventy-five dollars (\$75).

(2) Original License. The original valid license shall be kept at the licensee’s place of business as indicated on the license and presented to any duly authorized employee of the Department upon request.

(A) The original license shall be immediately surrendered to the Department upon cancellation, suspension, or revocation. The carrier shall immediately forward the original license to the CHP, Commercial Vehicle Section, via US Mail or other appropriate means and shall destroy all copies.

(B) A license may be revoked without prejudice in the event the license is issued in error.

(C) A license shall not be issued to any carrier subject to Section 34501.12 of the Vehicle Code unless all appropriate applications and fees are on file with the Department.

(D) The Department shall not issue a new or initial license to any carrier subject to Section 34501.12 of the Vehicle Code who has been issued an unsatisfactory rating within the previous three years for an inspection conducted pursuant to Section 34501, 34501.12, or 34520 and unless each terminal from which hazardous materials carrying vehicles are operated is in compliance with the requirements of Section 34501.12 and is currently rated satisfactory.

(E) An original license shall not be issued unless the carrier is in compliance with the Code of Federal Regulations, Title 49, Part 107, Subpart G, and Part 171, Subpart A. The Department may require proof of compliance with applicable requirements prior to the issuance of any license.

(3) **Renewal License.** Carriers with a valid license may renew the license if the renewal request and required fees are on file with the Department prior to the expiration of the existing license.

(4) **New License.** Carriers have previously held a valid license may be issued a New License under the following conditions:

(A) The request and required fees are received by the Department more than 30 days after the expiration of the existing license.

(B) No proof of transportation of hazardous materials is discovered in any period during which the carrier was not properly licensed.

(5) It shall be the responsibility of the carrier to obtain an application and ensure a license is issued or renewed, prior to the transportation of hazardous materials.

(6) **Copy in each vehicle.** A legible copy of the license and any registration or special permit required by the Secretary of the Department of Transportation shall be carried in any vehicle or combination of vehicles transporting hazardous materials and shall be presented to any peace officer or authorized employee upon request.

(7) **Temporary License.** Carriers who are in compliance with the provisions of Vehicle Code Section 34501.12, have submitted a properly completed application and the required license fee to the Department and who have not been assigned an unsatisfactory compliance rating within the preceding three years, may use either of the following as a temporary license for not more than 60 days when carried in the vehicle:

(A) A copy of the carrier's properly completed application for license to transport hazardous materials and a copy of the check or money order indicating payment of required fee.

(B) A copy of the carrier's properly completed application for license to transport hazardous materials and a telegraphic money order receipt, or copy thereof, made payable to the California Highway Patrol, indicating payment of the required fee for license to transport hazardous materials.

(8) The Department's license issuance and verification process should not unreasonably hinder a carrier's capacity to transport hazardous materials.

(9) **Exceptions.** Federal, State, county, city, and city and county agencies, and other political subdivisions of the State including, but not limited to, school, irrigation, and fire protection districts are exempt from the licensing requirements of Vehicle Code Section 32000.5.

**Internet Access.** The California Highway Patrol form CHP 361M (Rev. 01-08), Application for Hazardous Materials Transportation License, instructions for completing the application and related documents are available on the Internet at <http://www.chp.ca.gov/publications/index.html>.

NOTE: Authority cited: Sections 32002 and 34501, Vehicle Code. Reference: Sections 2502, 32000.5, 32001 and 34501, Vehicle Code.

#### HISTORY

1. Amendment of subsection (e) filed 12-21-77 as an emergency; designated effective 1-1-78. Certificate of Compliance included (Register 77, No. 52).
2. Amendment of subsection (e) filed 1-20-78 as an emergency; effective upon filing (Register 78, No. 3).
3. Editorial correction to previous history note and designation of subsections (Register 78, No. 12).
4. Certificate of Compliance filed 3-21-78 (Register 78, No. 12).

5. New subsection (g) filed 2-22-82; effective thirtieth day thereafter (Register 82, No. 9).
6. Amendment filed 6-22-83; effective thirtieth day thereafter (Register 83, No. 26).
7. Repealer of subsection (g)(5) filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36).
8. Amendment of subsections (g)(3) and (g)(4) filed 7-20-87; operative 8-19-87 (Register 87, No. 30).
9. Amendment of subsection (a) filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
10. Amendment of subsection (g)(3) filed 3-10-92; operative 4-9-92 (Register 92, No. 12).
11. Amendment of subsections (c)(4), (d)(1) and (f), and repealer of subsections (d)(2)-(3) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
12. Amendment of subsections (a) and (d) filed 10-5-99; operative 11-4-99 (Register 99, No. 41).
13. Amendment of subsections (g)(1)-(g)(4), new subsection (g)(5) and new last paragraph filed 11-8-2000; operative 12-8-2000 (Register 2000, No. 45).
14. Amendment filed 3-10-2009; operative 4-9-2009 (Register 2009, No. 11).

#### § 1160.5. Hazard Classification and Shipping Names.

Hazardous materials shall be classified and described (proper shipping name) in accordance with 49 CFR Parts 172 and 173.

NOTE: Authority and reference cited: Sections 2402.7 and 34501, Vehicle Code.

#### HISTORY

1. New section filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36).
2. Amendment filed 7-20-87; operative 8-19-87 (Register 87, No. 30).

#### § 1160.6. Records of the Department.

(a) Records associated with Hazardous Materials Transportation Licenses. Information gathered and used for the issuance of hazardous materials transportation licenses may be maintained by the Department in an electronic or hard-copy format, or both, and may include but are not limited to the following:

- (1) Identification of each carrier subject to Section 32000.5 of the Vehicle Code.
- (2) Any fictitious business name used by the carrier and adopted pursuant to the Business and Professions Code, commencing with Section 17900.

(3) The carrier's federal employer identification number.

(4) The physical address, mailing address, and telephone number of the principal place of business and any terminal location in the state of California used by the carrier.

(5) The CA number issued to the carrier by the Department.

(6) Any current or previous hazardous materials transportation license number and date(s) of expiration.

(7) The carrier's United States Department of Transportation (US DOT) number and operating authority number.

(8) The Corporation, Partnership, Limited Liability Company, or any other identifying number of the carrier.

(9) The carrier's Pipeline and Hazardous Materials Safety Administration registration number, Federal Motor Carrier Safety Administration Hazardous Materials Safety Permit number, and expiration date(s).

(10) A description of the types of hazardous materials transported or intended to be transported.

(11) Information concerning the background of the applicant and any company officer(s).

(12) The name, title, signature certification of the authorized carrier representative, and date of certification.

NOTE: Authority cited: Sections 32000.5, 32002 and 34501, Vehicle Code. Reference: Sections 2502, 32000.5, 32001 and 34501, Vehicle Code.

#### HISTORY

1. New section filed 3-10-2009; operative 4-9-2009 (Register 2009, No. 11).

#### § 1161. Shipping Papers.

(a) **Applicability.** Shippers and carriers shall comply with the shipping paper requirements contained in 49 CFR Part 172, Subpart C and 49 CFR 177.817.

(b) **Retention – Shippers and carriers subject to federal jurisdiction.** Shippers and carriers of hazardous materials transported in commerce

shall comply with the one year shipping paper retention requirements contained in 49 U.S.C. Section 5110 and shall make them available for inspection by any duly authorized employee of the department.

(c) Retention – Shippers and carriers not subject to federal jurisdiction. Shippers and carriers not subject to federal jurisdiction shall retain copies of shipping papers for at least six months and shall make them available for inspection by any duly authorized employee of the department.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. Amendment filed 12–21–77 as an emergency; designated effective 1–1–78. Certificate of Compliance included (Register 77, No. 52).
2. Amendment of subsection (e) filed 1–20–78 as an emergency; effective upon filing (Register 78, No. 3).
3. Certificate of Compliance filed 3–21–78 (Register 78, No. 12).
4. Amendment of subsections (a), (d)(1) and (d)(3) filed 7–8–81; effective thirtieth day thereafter (Register 81, No. 28).
5. Amendment filed 2–22–82; effective thirtieth day thereafter (Register 82, No. 9).
6. Amendment of subsection (a) filed 9–7–84; effective thirtieth day thereafter (Register 84, No. 36).
7. Amendment of subsection (b) filed 7–20–87; operative 8–19–87 (Register 87, No. 30).
8. Repealer of subsections (a)–(e), new subsection (a) and relettering of subsection (f) to subsection (b) filed 11–30–88; operative 12–30–88 (Register 88, No. 51).
9. Amendment of section and NOTE filed 10–5–99; operative 11–4–99 (Register 99, No. 41).

### § 1161.1. Shipping Certification.

(a) Shipper Certificate Required. Shippers shall not offer and initial carriers (other than private carriers) shall not accept for transportation hazardous materials in any form other than bulk shipments in cargo tanks furnished by the carrier, unless the shipper provides a signed certificate prepared in conformance with 49 CFR 172.204.

(b) Retention. Certificates need not be carried with the material en-route, however, copies of shipper certificates shall be retained for at least six months and shall be subject to inspection by any authorized employee of the department.

NOTE: Authority and reference cited: Section 34501, Vehicle Code.

#### HISTORY

1. Amendment filed 12–21–77 as an emergency; designated effective 1–1–78. Certificate of Compliance included (Register 77, No. 52).
2. Amendment filed 7–8–81; effective thirtieth day thereafter (Register 81, No. 28).
3. Amendment filed 2–22–82; effective thirtieth day thereafter (Register 82, No. 9).
4. Amendment of subsections (a) and (b) filed 11–30–88; operative 12–30–88 (Register 88, No. 51).
5. Repealer of subsections (b) and (d) and subsection relettering filed 3–6–95; operative 4–5–95 (Register 95, No. 10).

### § 1161.2. Hazard Labels.

(a) Applicability. Shippers and carriers shall comply with the labeling requirements contained in 49 CFR Part 172, Subpart E (commencing with Section 172.400).

(b) As specified in 49 CFR 172.401(b), no labels shall be used when they may be confused by reason of shape, size, or color with the hazard labels prescribed by this section unless authorized by 49 CFR 172.401(c).

(c) As specified in 49 CFR 172.401(a), hazard labels prescribed by this section shall not be affixed to packagings which do not contain hazardous materials or when the label does not represent the hazard of the hazardous material in the package, unless authorized by 49 CFR 172.401(c).

(d) All labels and decals on packages shall be replaced before they become illegible.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. Amendment of subsection (c) filed 7–20–87; operative 8–19–87 (Register 87, No. 30).
2. Repealer of subsections (a)–(c), new subsection (a), relettering and amendment of subsection (d) to subsection (b) and relettering of subsections (e) and (f) to

subsections (c) and (d) filed 11–30–88; operative 12–30–88 (Register 88, No. 51).

3. Amendment of subsections (a)–(d) and new subsection (e) filed 3–6–95; operative 4–5–95 (Register 95, No. 10).
4. Amendment of subsection (d) and repealer of subsection (e) filed 8–20–97; operative 9–19–97 (Register 97, No. 34).
5. Amendment of subsection (a) and NOTE filed 10–5–99; operative 11–4–99 (Register 99, No. 41).

### § 1161.3. Marking.

(a) Applicability. Shippers and carriers shall comply with the marking requirements contained in 49 CFR Part 172, Subpart D (commencing with Section 172.300), and 49 CFR 177.823.

(b) Hazardous materials proper shipping names and identification numbers shall not be marked on packagings when prohibited by 49 CFR 172.303.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. Designation and amendment of subsection (a) and new subsection (b) and NOTE filed 3–6–95; operative 4–5–95 (Register 95, No. 10).
2. Amendment of subsection (a) filed 10–5–99; operative 11–4–99 (Register 99, No. 41).

### § 1161.6. Emergency Response Information.

Shippers and carriers shall comply with the applicable emergency response information requirements contained in 49 CFR Part 172, Subpart G (commencing with Section 172.600).

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. New section filed 7–31–95; operative 8–30–95 (Register 95, No. 31).
2. Amendment of section filed 8–14–96; operative 9–13–96 (Register 96, No. 33).
3. Amendment filed 10–5–99; operative 11–4–99 (Register 99, No. 41).

### § 1161.7. Hazardous Materials Training.

(a) Applicability. Carriers and shippers who are directly subject to federal jurisdiction pursuant to 49 CFR 171.1 are subject to the following:

(1) Shippers and carriers shall comply with the hazmat employee training requirements contained in 49 CFR Part 172, Subpart H (commencing with Section 172.700).

(2) Shippers shall also comply with the training provisions contained in 49 CFR 173.1.

(3) Carriers shall also comply with the training provisions contained in 49 CFR Sections 177.800 and 177.816.

(b) Shippers and carriers not directly subject to federal jurisdiction shall thoroughly instruct each of their officers, agents, and employees having any responsibility for preparing hazardous materials for transportation, or for transporting hazardous materials as to applicable requirements of Article 3 governing the performance of those individuals' responsibilities.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. New section filed 11–30–88; operative 12–30–88 (Register 88, No. 51). Text was modified and moved to Section 1161.7. Repealer filed 3–6–95; operative 4–5–95 (Register 95, No. 10).
2. Amendment of subsection (a) filed 10–5–99; operative 11–4–99 (Register 99, No. 41).

### § 1162. Placards.

(a) Applicability. Shippers and carriers shall comply with the placarding requirements contained in 49 CFR Part 172, Subpart F (commencing with Section 172.500) and 49 CFR 177.823.

(b) Exclusions. This section does not apply to the transportation of small quantities of explosives as provided by Vehicle Code Section 27903.

(c) Placards shall not be affixed to a packaging, freight container, motor vehicle, etc. when prohibited by 49 CFR 172.502(a).

(d) Placards may be affixed even when not required by this section when displayed in accordance with 49 CFR 172.502(c).

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

## HISTORY

1. Amendment of subsection (g) filed 8-5-77 as an emergency; effective upon filing (Register 77, No. 32).
2. Certificate of Compliance filed 10-21-77 (Register 77, No. 43).
3. Amendment of subsection (g) filed 12-21-77 as an emergency; designated effective 1-1-78. Certificate of Compliance included (Register 77, No. 52).
4. New subsection (h) filed 1-20-78 as an emergency; effective upon filing (Register 78, No. 3).
5. Certificate of Compliance filed 3-21-78 (Register 78, No. 12).
6. Repealer of subsection (h) filed 7-8-81; effective thirtieth day thereafter (Register 81, No. 28).
7. Amendment filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
8. Amendment of subsections (a)-(c) and new subsection (d) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
9. Amendment of subsection (a) and NOTE filed 10-5-99; operative 11-4-99 (Register 99, No. 41).

**§ 1162.1. Vehicle Safety Equipment.**

## (a) Fire Extinguishers.

(1) Every three-axle motortruck or combination of vehicles shall be equipped with one fire extinguisher with at least a 4B:C rating, except as provided in (2) or (3).

(2) Every motor vehicle shall be equipped with one fire extinguisher rated at least 10B:C if the motor vehicle, or any vehicle in a combination of which it is a part, transports cargo requiring placards (Section 1162). Two fire extinguishers with a combined rating of 10B:C may be used, provided the rating of neither unit is less than 4B:C.

(3) Every tank vehicle or combination of tank vehicles used to transport flammable or combustible liquids shall be equipped with at least one fire extinguisher having a rating of not less than 20B:C. A fire extinguisher rated 12B:C and in service prior to July 1, 1970, may continue in use if it is in good working order. Fire extinguishers required by this subsection shall be serviced annually in accordance with Title 19, California Code of Regulations Chapter 1, Subchapter 3, commencing with Section 550.

(4) Each fire extinguisher shall have been rated and labeled by one of the following test labs approved by the State Fire Marshal to test and label portable fire extinguishers for sale in California.

(A) Underwriter's Laboratories, Northbrook, Illinois. All sizes and classifications.

(B) Factory Mutual Research Corporation, Norwood, Massachusetts. Sizes 10B:C, 1A 10B:C, 2A 40B:C, 3A 40B:C, and 4A 80B:C fire extinguishers filled with Halon 1211 or Halon 1301.

(5) Fire extinguishers using any carbon tetrachloride, chlorobromomethane, or methyl bromide as extinguishing agents shall not be carried for use in or about any vehicle.

(6) Each fire extinguisher shall be securely mounted on a motor vehicle or trailer in a conspicuous place or in a clearly marked compartment and readily accessible.

(7) Fire extinguishers shall be maintained in efficient operating condition and shall be equipped with means for determining if they are fully charged.

## (b) Emergency Warning Devices.

(1) Every vehicle or combination of vehicles transporting Division 1.1, 1.2 or 1.3 explosives shall carry 3 red emergency reflectors.

(2) Liquid burning flares, fusees, oil lanterns, or any signal produced by a flame shall not be carried on any vehicle or vehicle combination transporting Division 1.1, 1.2 or 1.3 (explosives) hazardous materials; or any cargo tank vehicle or in any other vehicle operated in combination with a cargo tank vehicle and used for the transportation of Division 2.1 (flammable gas), Class 3 (flammable liquid) or combustible liquid materials whether loaded or empty.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

## HISTORY

1. Amendment of subsection (a)(3) filed 11-5-81; effective thirtieth day thereafter (Register 81, No. 45).
2. Amendment filed 6-22-83; effective thirtieth day thereafter (Register 83, No. 26).
3. Amendment of subsection (a)(3) filed 5-4-84; effective thirtieth day thereafter (Register 84, No. 18).
4. Amendment of subsection (a) filed 10-28-86; effective thirtieth day thereafter (Register 86, No. 44).
5. Change without regulatory effect of subsection (a) (3) filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
6. Editorial correction of subsection (a)(4) (Register 95, No. 28).
7. Repealer and new subsection (b)(2) and amendment of NOTE filed 6-17-96; operative 7-17-96 (Register 96, No. 25).
8. Amendment filed 10-5-99; operative 11-4-99 (Register 99, No. 41).

**§ 1163. Shipment Preparation.**

Shipment preparation of hazardous materials shall be governed by the following:

(a) Shipment Preparation and Transportation. Shipments shall be prepared for transportation and transported in accordance with provisions of 49 CFR Part 173.

(b) Authorized Packages-General. Only packagings authorized for shipment of specific commodities by 49 CFR Parts 172 and 173, shall be used, except when otherwise authorized by Sections 1160.1, 1160.4(c) or (d), or 1163(c) or (f) of this article.

(c) Previously Authorized State Fire Marshal Cargo Tanks. Cargo tanks that were authorized by Title 19, California Code of Regulations, (19 CCR), Section 1609.1 on April 1, 1984, which were manufactured and placed into service prior to April 1, 1984, may continue to be used by intrastate carriers, who are not directly subject to federal jurisdiction prior to the October 1, 1998, effective date of RSPA Docket HM-200, to transport flammable liquids under the conditions listed below. Cargo tanks having a capacity of less than 13,250 liters (3,500 gallons) used for the transportation of flammable liquid petroleum products may continue to be used under the provisions of 49 CFR 173.8(b). Cargo tanks transporting flammable liquids other than petroleum products, or having a capacity of 13,250 liters or more, may continue to be used under the following requirements pursuant to 49 CFR 173.8(a) until July 1, 2000.

(1) The flammable liquid has no secondary hazard(s) for which transportation in a MC-306 cargo tank is not authorized.

(2) The cargo tanks are maintained, retested, inspected and marked in accordance with 49 CFR 173.24(b), (e), (f), (g) and (h); 173.24b(a)(1) and (2), (c) and (d)(1); and 49 CFR Part 180 applicable to a MC-306 DOT specification cargo tank.

(d) Leaking packages. Package closures shall be adequate to prevent leakage of contents, and leaking packages shall not be transported.

(e) Qualification and Maintenance of Packagings. Except as provided in subsections (c) and (f), the maintenance, retesting, inspection and qualification of packages shall be in accordance with 49 CFR Part 173, Subpart B and 49 CFR Part 180. Copies of certificates, reports, and records of retesting shall be subject to inspection by any authorized employee of the department.

(f) Anhydrous Ammonia—Additional Packagings. Truck-mounted cargo tanks manufactured before 1970, or manufactured before 1972 and having a capacity of 7,571 liters (2,000 gallons) or less, may be continued in service by private carriers to transport anhydrous ammonia between a filling point and a ranch, or between two locations on one ranch, or between ranches, and need not meet specifications in 49 CFR Part 178, provided:

[The next page is 130.3.]





(1) The tank meets design, construction, repair and operational requirements for anhydrous ammonia transportation tanks in the Unfired Vessels Safety Orders, Chapter 4, Title 8, California Code of Regulations; and

(2) The tank is operated by a carrier not subject to federal jurisdiction.

NOTE: Authority and reference cited: Sections 34019 and 34501, Vehicle Code.

#### HISTORY

1. New subsection (g) filed 5-12-77 as an emergency; effective upon filing (Register 77, No. 20).
2. Certificate of Compliance filed 7-15-77 (Register 77, No. 29).
3. Amendment of subsection (a) filed 12-21-77 as an emergency; designated effective 1-1-78. Certificate of Compliance included (Register 77, No. 52).
4. Amendment filed 7-26-78; designated effective 9-1-78 (Register 78, No. 30).
5. Amendment of subsection (g) filed 7-8-81; effective thirtieth day thereafter (Register 81, No. 28).
6. Amendment of subsection (e) filed 2-22-82; effective thirtieth day thereafter (Register 82, No. 9).
7. Amendment of subsection (b) filed 6-22-83; effective thirtieth day thereafter (Register 83, No. 26).
8. Amendment of subsections (b) and (e) filed 5-4-84; effective thirtieth day thereafter (Register 84, No. 18).
9. Amendment filed 7-20-87; operative 8-19-87 (Register 87, No. 30).
10. Change without regulatory effect of subsections (b), (e) and (f)(2)(A) filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
11. Amendment of subsection (f) and repealer of subsection (g) filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
12. Amendment filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
13. Amendment of subsections (c)(2) and (e) filed 8-20-97; operative 9-19-97 (Register 97, No. 34).
14. Amendment of subsection (c) filed 10-26-98 as an emergency; operative 11-25-98 (Register 98, No. 44).

#### § 1163.1. Prohibited Transportation.

Shippers shall not offer and carriers shall not transport any of the following:

- (a) Materials designated as "Forbidden" by 49 CFR 172.101.
- (b) Any package containing any materials or combinations of materials that is forbidden to be tendered for transportation by the provisions of 49 CFR 173.21.
- (c) Hazardous materials prepared or offered for shipment in a manner specifically prohibited or restricted by 49 CFR Part 173 or 177.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. Repealer and new section filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
2. Amendment of subsections (a) and (c) and amendment of NOTE filed 10-5-99; operative 11-4-99 (Register 99, No. 41).

#### § 1164. Vehicle Loading.

(a) Loading Requirements. Load securement, loading, unloading and vehicle utilization shall comply with 49 CFR Part 177, Subparts B and C.

(b) Packages. Packages shall be secured during transit by use of bracing, chocks, or tiedowns to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies, or racks on flatbed vehicles shall not be relied upon for the securement of portable tanks.

NOTE: Authority and reference cited: Section 34501, Vehicle Code.

#### HISTORY

1. Amendment filed 7-8-81; effective thirtieth day thereafter (Register 81, No. 28).
2. New subsection (a)(7) and amendment of subsection (d) filed 2-22-82; effective thirtieth day thereafter (Register 82, No. 9).
3. Amendment filed 6-22-83; effective thirtieth day thereafter (Register 83, No. 26).
4. Amendment filed 7-20-87; operative 8-19-87 (Register 87, No. 30).
5. Change without regulatory effect by moving text from Section 1165(d) to Section 1164(b) and from Section 1165(c) to Section 1164(c) filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
6. Amendment of subsection (a) and repealer of subsections (c)-(f) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

#### § 1165. [Reserved].

NOTE: Authority cited: Section 32102, Vehicle Code. Reference: Section 32107, Vehicle Code.

#### HISTORY

1. New subsection (e) filed 5-12-77 as an emergency; effective upon filing (Register 77, No. 20).
2. Certificate of Compliance filed 7-15-77 (Register 77, No. 29).
3. Amendment of subsection (b) filed 7-8-81; effective thirtieth day thereafter (Register 81, No. 28).
4. New subsection (e) and relettering and amendment of former subsection (e) to subsection (f) filed 2-22-82; effective thirtieth day thereafter (Register 82, No. 9).
5. Amendment filed 6-22-83; effective thirtieth day thereafter (Register 83, No. 26).
6. Repealer of subsection (e) filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36).
7. Repealer filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
8. New section filed 11-25-91; operative 3-24-91 (Register 92, No. 8).
9. Change without regulatory effect repealing section filed 11-16-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
10. Repealer of section heading filed 8-20-97; operative 9-19-97 (Register 97, No. 34).

#### § 1165.1. [Reserved].

NOTE: Authority and reference cited: Section 34501, Vehicle Code.

#### HISTORY

1. Repealer filed 2-22-82; effective thirtieth day thereafter (Register 82, No. 9).
2. Repealer of section heading filed 8-20-97; operative 9-19-97 (Register 97, No. 34).

#### § 1166. Reporting of Incidents Involving Hazardous Materials or Hazardous Wastes.

(a) Carriers directly subject to federal jurisdiction pursuant to 49 CFR Part 171 shall comply with the detailed written incident reporting requirements contained in 49 CFR 171.16.

(b) Carriers not directly subject to federal jurisdiction shall report incidents involving hazardous materials or hazardous wastes during transportation, loading or unloading, or temporary storage on carrier premises as follows:

(1) Reports Required. A written report is required of incidents that result in:

(A) Any spill or discharge of hazardous materials or hazardous wastes from any package container, or tanker

(B) Fatality, injury, or hospitalization of any person due to fire, explosion of, or exposure to any hazardous material or hazardous wastes.

(C) Continuing danger to life, health or natural resources at the scene of the incident.

(D) Estimated property damage exceeding \$50,000.

(2) Report Content and Routing. The written report shall, within 30 days of the date of incident discovery, be submitted to the Department of the California Highway Patrol, Commercial Vehicle Section, Post Office Box 942898, Sacramento, CA 94298-0001. The report shall include time and date of occurrence, injuries, property damage, continuing danger to life at the scene of the incident, identification of the commodity and its classification, and other pertinent details. The report may be prepared utilizing DOT Form F5800.1 (Rev. 6/89), Hazardous Materials Incident Report.

(3) Report Retention. A copy of each hazardous materials or hazardous waste spill report shall be retained by the carrier for at least six months, and shall be subject to inspection by duly authorized employees of the department.

(4) Exceptions. The requirements of subsection (b) do not apply to incidents involving the spill or discharge of materials:

(A) Transported under the following proper shipping names:

(i) Consumer commodity

(ii) Battery, *electric storage*, wet, filled with acid *or* alkali

(iii) Paint and paint related material when shipped in packaging of five gallons or less.

(B) Prepared and transported as a limited quantity shipment in accordance with this article.

(5) The exceptions to incident reporting provided in paragraph (4) of this subsection do not apply to:

(A) Materials in Packing Group I other than consumer commodities.  
 (B) Incidents involving the transportation of hazardous waste, or;  
 (C) Incidents where any of the following occur as a direct result of hazardous materials release or threatened release:

- (i) A person is killed; or
- (ii) A person receives injuries requiring his or her hospitalization; or
- (iii) Estimated carrier or other property damage exceeds \$50,000; or
- (iv) An evacuation of the general public occurs lasting one or more hours; or
- (v) One or more major transportation arteries or facilities are closed or shut down for one hour or more.

(c) The DOT Hazardous Materials Incident Report form F5800.1 (Rev. 6/89), a guide for completing the report and text of the reporting requirements are available at the following internet sites respectively: <http://hazmat.dot.gov/5800.pdf>, <http://hazmat.dot.gov/5800guid.pdf>, and <http://hazmat.dot.gov/spills.htm#171.16>. Alternatively, the form F5800.1 and the guide document for assisting in the completion of DOT Form F5800.1 may be obtained from the Office of Hazardous Materials Transportation, DHM-51, U.S. Department of Transportation, Washington, DC 20590-0001.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. Amendment filed 7-8-81; effective thirtieth day thereafter (Register 81, No. 28).
2. Change without regulatory effect of subsection (b) (Register 86, No. 48).
3. Amendment of subsections (b) and (d)(3) filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
4. Amendment of subsection (b) filed 9-27-90; operative 10-27-90 (Register 90, No. 45).
5. Editorial correction restoring subsections (c) and (d) (Register 92, No. 12).
6. Amendment of subsections (b) and (d) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
7. New subsection (a) and subsection relettering, and amendment of newly designated subsections (b), (b)(1), (b)(2), (b)(4) and (b)(4)(B) filed 8-14-96; operative 9-13-96 (Register 96, No. 33).
8. Amendment of section and NOTE filed 10-5-99; operative 11-4-99 (Register 99, No. 41).

### § 1167. Delivery of Shipments; Action in Event of Accidents.

The delivery of hazardous materials shipments and required driver action in the event of accidents shall be governed by provisions of 49 CFR Part 177, Subpart D (commencing with Section 177.854). Notwithstanding the provisions of Section 1163(d), a leaking packaging which develops or is discovered subsequent to the commencement of transportation may be transported in accordance with 49 CFR Part 177, Subpart D.

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

#### HISTORY

1. Amendment of section and new NOTE filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
2. Amendment filed 8-20-97; operative 9-19-97 (Register 97, No. 34).
3. Amendment filed 10-5-99; operative 11-4-99 (Register 99, No. 41).

### § 1168. [Reserved].

NOTE: Authority and reference cited: Section 34501, Vehicle Code.

#### HISTORY

1. New section filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
2. Repealer of section heading and section filed 8-20-97; operative 9-19-97 (Register 97, No. 34).

## Article 4. Inspection Fees

### § 1170. Scope.

NOTE: Authority and reference cited: Section 2560, Vehicle Code.

#### HISTORY

1. New Article 4 (Sections 1170-1173) filed 8-19-81; effective thirtieth day thereafter (Register 81, No. 34). For history of former Article 4, see Register 77, No. 34.

2. Change without regulatory effect filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
3. Change without regulatory effect repealing section filed 1-29-90 pursuant to Section 100, Title 1, California Code of Regulations (Register 90, No. 5).

### § 1171. Definitions.

NOTE: Authority and reference cited: Section 2560, Vehicle Code.

#### HISTORY

1. Change without regulatory effect of subsection (b) (Register 86, No. 48).
2. Change without regulatory effect repealing section filed 1-29-90 pursuant to Section 100, Title 1, California Code of Regulations (Register 90, No. 5).

### § 1172. Fees.

NOTE: Authority and reference cited: Section 2560, Vehicle Code.

#### HISTORY

1. Change without regulatory effect repealing section filed 1-29-90 pursuant to Section 100, Title 1, California Code of Regulations (Register 90, No. 5).

### § 1173. Reinspections.

NOTE: Authority and reference cited: Section 2560, Vehicle Code.

#### HISTORY

1. Change without regulatory effect repealing section filed 1-29-90 pursuant to Section 100, Title 1, California Code of Regulations (Register 90, No. 5).

## Article 4.5. [Reserved]

### § 1176. Hazardous Waste Training.

NOTE: Authority and reference cited: Section 25168, Health and Safety Code.

#### HISTORY

1. New article 4.5 (section 1176) filed 6-15-87, operative 7-15-87 (Register 87, No. 25).
2. Repealer filed 3-4-93; operative 3-4-93 (Register 93, No. 10).
3. Repealer of Article 4.5 (sections 1176-1178) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

### § 1178. Hazardous Materials Training.

NOTE: Authority and reference cited: Section 34501, Vehicle Code.

#### HISTORY

1. New section filed 11-30-88; operative 12-30-88 (Register 88, No. 51).
2. Repealer filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

## Article 5. [Reserved]

NOTE: Authority cited: Sections 2402 and 2525.2, Vehicle Code. Reference: Sections 2501, 2525, 2525.2, 2525.4, 2525.6, 2525.8, 2525.10 and 2525.12, Vehicle Code.

#### HISTORY

1. Repealer of Article 5 (Sections 1280-1286) and new Article 5 (Sections 1280-1286) filed 9-28-77; designated effective 11-1-77 (Register 77, No. 40). For prior history, see Registers 71, No. 4, 71, No. 13, 72, No. 46 and 74, No. 14.
2. Repealer of Article 5 (Sections 1280-1296) filed 8-14-78; designated effective 9-18-78 (Register 78, No. 33). For prior history, see Registers 71, No. 4, 71, No. 13, 72, No. 46, 74, No. 14; and 77, No. 40.
3. Repealer and reservation of article 5 heading filed 8-13-2008; operative 9-12-2008 (Register 2008, No. 33).

## Article 6. Registration, Inspection, and Certification of Flammable and Combustible Liquid Cargo Tanks

### § 1190. [Reserved].

NOTE: Authority cited: Section 34020, Vehicle Code. Reference: Sections 34000, 34040-34045, 34048 and 34049, Vehicle Code.

#### HISTORY

1. Renumbering of former Section 1190 to Section 1190.1 and new Section 1190 filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36). For prior history, see Registers 84, No. 2; and 83, No. 26.
2. Change without regulatory effect repealing section heading and section filed 12-2-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 49).

### § 1190.1. [Reserved].

NOTE: Authority cited: Section 34020, Vehicle Code. Reference: Sections 34000, 34040-34045, 34048 and 34049, Vehicle Code.